

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

ADAM POTTER,

Plaintiff/Counterclaim Defendant,

v.

BEACON INTERCONTINENTAL GROUP,  
INC. and BUSINESS INSURANCE HOLDINGS,  
INC.,

Defendants/Counterclaim Plaintiffs.

C.A. No. 1:20-cv-04599-JGK-OTW

**NOTICE OF MOTION**

**PLEASE TAKE NOTICE** that, following a December 13, 2022 pre-motion conference, and in accordance with Federal Rule of Civil Procedure 26(b)(1) and 26(c), the Stipulated Confidentiality Agreement and Protective Order entered by the Court (“Protective Order”) [D.E. 77], and the Court’s December 14, 2022 and December 19, 2022 orders [D.E. 125, 128], Plaintiff/Counterclaim Defendant Adam Potter (“Potter”) moves against Defendant/Counterclaim Plaintiffs, Beacon Intercontinental Group, Inc. and Business Insurance Holdings, Inc. to:

- (1) *Reduce* the confidentiality designations of certain documents and related deposition testimony under the operative protective order in this case from “Attorneys’ Eyes Only” to “Confidential”; and
- (2) Compel the production of (a) communications and documents concerning a loan used by Beacon to finance the underlying transaction on which this case is based and (b) communications and documents exchanged with third parties, such as the lender and its owner, concerning Potter, BIH, and the underlying transaction and information exchanged during due diligence.

**PLEASE TAKE FURTHER NOTICE** that, in support of the motion, Potter submits a

memorandum of law, a Declaration of Counsel, and Exhibits A-M.

Dated: New York, New York

January 6, 2023

Respectfully submitted,

**FOX ROTHSCHILD LLP**

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